

## Task Description



A Permit to Construct is not a Federal requirement. However, most states require that a Permit to Construct be obtained before a Permit to Operate can be issued. Any construction project, whether building new facilities or expanding, modernizing, or altering existing facilities, must be reviewed for permit requirements and, if required by state regulations, a Permit to Construct must be obtained prior to starting construction. The lead-time involved in planning for construction projects should take into account the time required to obtain these permits. The Permit to Construct is primarily a review of any new or significantly modified sources as a result of the construction project.

Significant modifications are those resulting in:

- Increased emissions or
- Plant process changes.

A Permit to Construct is not required for minor modifications, except when they:

- Constitute a modification as defined under non-attainment or NSR, NSPS, or HAPs provisions;
- Increase permitted emission levels; and
- Require the modification of existing record-keeping, monitoring, or reporting requirements.

In addition, you will also need to apply for a Permit to Construct for any existing source that should have a permit but currently does not have one. In most cases, the Permit to Construct will be transformed into a Permit to Operate (see [Permit to Operate](#)) after a year.

Your state or local agency issues the Permit to Construct and permit requirements will vary from state to state.



## Steps

1. Track construction plans. The Directorate of Public Works, Engineer Plans and Services Division, should have 5-year plans that detail future construction and modifications.
2. Perform the necessary calculations (using [AP-42 emission factors](#)) to see if the emissions factor times the estimated activity level of the source would generate emissions over the regulatory threshold.

3. Make sure applications for Permits to Construct are submitted with plenty of lead-time. Permits to Construct must be in place before construction work commences.
4. Determine whether negotiating the permit requirements may be worthwhile and request waivers if appropriate.
5. Track and manage these permits (fee payments, renewals, and updates, etc.).
6. Ensure that all work practice, operations, monitoring, recording, and reporting requirements specified in the permit are executed and met.



#### Checklist: Complying with "Permit to Construct" Requirements

### **Responsibilities**

The Air Program Manager is responsible for ensuring:

A Permit to Construct is obtained in a timely fashion.

Permit fee payment, renewal, and update requirements are met.

Permit specified work practice, operations, monitoring, recording, and reporting requirements are executed and met.



### **Challenges**

Timely permit application. The "Permit to Construct" must be in place before construction begins.



### **Threats**

If you fail to submit a timely and complete application, your regulator may consider it a violation and subject your installation to fines and/or civil penalties.



### **Tips**

Keep Environmental Management Division apprised of construction plans. The Directorate of Public Works, Engineer Plans and Services Division, should have 5-year plans that detail future construction and modifications.